

U.S. v. Ricky W. Mariano et al.

3. Defendant JAMES N. HAHNE, a/k/a Michael Monson, was residing in the State of Minnesota;

4. Defendant CLIFTON G. EVANS, JR., was residing in the State of Minnesota;

5. Defendant BENJAMIN J. DOLAN, was residing in the State of Minnesota;

6. Defendant ANNEMARIE VAIL, was residing in the State of Minnesota;

7. Defendant JAMES EDWARD FREEMAN, was residing in the State of Minnesota;

8. Defendant VINCENT ROBERT VAIL was residing in the State of Minnesota;

9. Defendant JAMIE MARIE SYLVESTER, a/k/a Jamie Marie Smith, was residing in the State of Minnesota;

10. Defendant JACOB CHARLES DUTTON, was residing in the State of Minnesota;

11. American Express was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

12. Bank of Elk River was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

13. Bremer Bank was a financial institution, doing business

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in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

14. Castle Rock Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

15. Cherokee Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

16. Colorado Springs State Bank was a financial institution, doing business in the State of Colorado and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

17. F & M Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

18. Highland Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

19. Hiway Federal Credit Union was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the National Credit Union Association;

20. Lake Elmo Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

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21. TCF Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

22. Topline Federal Credit Union was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the National Credit Union Association;

23. U.S. Bank was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the Federal Deposit Insurance Corporation;

24. Wings Federal Credit Union was a financial institution, doing business in the State of Minnesota and elsewhere, that held deposits insured by the National Credit Union Association.

COUNT 1

(Theft of Mail Matter)

25. From in or about July 2010, to in or about July 2011, in the State and District of Minnesota, the defendants,

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
SARRAH M. VAIL,
JAMES N. HAHNE,
a/k/a Michael Monson,
CLIFTON G. EVANS, JR.,
BENJAMIN J. DOLAN,
ANNEMARIE VAIL,
JAMES EDWARD FREEMAN,
VINCENT ROBERT VAIL
JAMIE MARIE SYLVESTER,
a/k/a Jamie Marie Smith, and
JACOB CHARLES DUTTON,

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did steal, take, and abstract, and by fraud and deception obtain, and attempt so to obtain, from and out of any mail, post office, and station thereof, letter box, mail receptacle, and any mail route and other authorized depository for mail matter, any letter, postal card, package, bag, and mail, and abstract and remove from any such letter, package, bag, and mail, any article and thing contained therein, and secrete, embezzle, and destroy any such letter, postal card, package, bag, and mail, and any article and thing contained therein, in violation of Title 18, United States Code, Section 1708.

COUNT 2

(Destruction of Letter Boxes)

26. From in or about December 2010 through in or about January 31, 2011, in the State and District of Minnesota, the defendants,

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
JAMES N. HAHNE,
a/k/a Michael Monson,
BENJAMIN J. DOLAN, and
JACOB CHARLES DUTTON,

did willfully and maliciously injure, tear down, and destroy any letter box and other receptacle intended or used for the receipt and delivery of mail on any mail route, and break open the same and willfully and maliciously injure, deface, and destroy any mail deposited therein, in violation of Title 18, United States Code,

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Section 1705.

COUNT 3

(Bank Fraud Conspiracy)

27. The grand jury re-alleges all of the allegations contained in paragraphs 1 through 24 of the Introduction as if set forth in full herein.

28. From in or about July 2010, to in or about July 2011, in the State and District of Minnesota, the defendants,

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
SARRAH M. VAIL,
JAMES N. HAHNE,
a/k/a Michael Monson,
CLIFTON G. EVANS, JR.,
BENJAMIN J. DOLAN,
ANNEMARIE VAIL,
JAMES EDWARD FREEMAN,
VINCENT ROBERT VAIL,
JAMIE MARIE SYLVESTER,
a/k/a Jamie Marie Smith, and
JACOB CHARLES DUTTON,

and others known and unknown to the grand jury (collectively "the conspirators"), did knowingly attempt and conspire to execute a scheme and artifice to defraud financial institutions, namely, American Express, Bank of Elk River, Bremer Bank, Castle Rock Bank, Cherokee Bank, Colorado Springs State Bank, F & M Bank, Highland Bank, Hiway Federal Credit Union, Lake Elmo Bank, TCF Bank, Topline Federal Credit Union, U.S. Bank, and Wings Federal Credit Union, and to obtain, by means of false and fraudulent pretenses and representations, monies and funds owned by and under the custody

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and control of those financial institutions, in violation of Title 18, United States Code, Section 1349.

PURPOSE OF THE CONSPIRACY

29. It was the purpose of the conspiracy that the defendants would enrich themselves by fraudulently obtaining money from the accounts of victims held at various financial institutions by using stolen financial instruments such as credit cards and checks, and unlawfully using the personal identification information of victims, including, but not limited to, the name, date of birth, driver's license number, bank account number, and bank routing number.

MANNER AND MEANS

30. The manner and means of the conspiracy included:

a. The defendants, and others known and unknown to the grand jury, would break into mail boxes, parked cars, garages, and residences in the State of Minnesota to steal checks, credit cards, and other financial instruments and use these items to unlawfully obtain money from the bank accounts of victims.

b. The defendants, and others known and unknown to the grand jury, would obtain from the stolen checks, credit cards, and other financial instruments, the names and personal identification information of victims who held accounts at financial institutions in the State of Minnesota and elsewhere.

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c. The defendants, and others known and unknown to the grand jury, would unlawfully obtain funds from the bank accounts of the victims by "washing" the stolen checks using a chemical process to remove certain information from the checks, and then modify them with dates, payees, dollar amounts, and signatures represented to be those of the victims, so that they could negotiate the checks.

d. The defendants, and others known and unknown to the grand jury, would use the checks to unlawfully purchase items at retail stores and other locations with money from the bank accounts of the victims at financial institutions in the State of Minnesota and elsewhere.

e. The defendants, and others known and unknown to the grand jury, would assist each other by providing checks, credit cards, and transportation to obtain money from the accounts of the victims.

OVERT ACTS

31. In order to effect the objects of the conspiracy, and in furtherance of the conspiracy, the defendants, and others known and unknown to the grand jury, committed and caused to be committed the following overt acts in the District of Minnesota and elsewhere:

a. On or about September 4, 2010, defendant JAMES N. HAHNE, a/k/a Michael Monson, caused check 7129, in the amount of

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\$700.53, drawn on U.S. Bank account XXXXXXXX1173, belonging to victims J.W. and V.W., to be negotiated at Wal-Mart in Woodbury, Minnesota.

b. On or about December 28, 2010, defendant BENJAMIN J. DOLAN, caused check 2546, in the amount of \$724.13, drawn on F & M Bank account XX1899, belonging to victim R.H., to be negotiated at K-Mart in Oakdale, Minnesota.

c. On or about December 28, 2010, defendant CLIFTON G. EVANS, JR., caused check 7790, in the amount of \$179.72, drawn on Wings Federal Credit Union account X2846, belonging to victim R.L., to be negotiated at Wal-Mart in Hastings, Minnesota.

d. On or about December 31, 2010, defendant CLIFTON G. EVANS, JR., caused check 6273, in the amount of \$247.11, drawn on Bremer Bank account XXXX1196, belonging to victim D.G., to be negotiated at Wal-Mart in Forest Lake, Minnesota.

e. On or about January 16, 2011, defendant CLIFTON G. EVANS, JR., caused check 2863, in the amount of \$805.99, drawn on Hiway Federal Credit Union account XXXXXXXX4122, belonging to victim D.K., to be negotiated at Wal-Mart in Oak Park Heights, Minnesota.

f. On or about January 23, 2011, defendants SARRAH M. VAIL and VINCENT ROBERT VAIL broke into an automobile belonging to victim P.T. and stole American Express credit card XXXXXXXX2002,

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belonging to victim P.T., and used the credit card, in the amount of \$389.73, at Ultimate Electronics in Roseville, Minnesota.

g. On or about January 24, 2011, defendant SARRAH M. VAIL, caused check 9586, in the amount of \$390.93, drawn on Lake Elmo Bank account XXX8112, belonging to victim C.T., to be negotiated at Wal-Mart in Cambridge, Minnesota.

h. On or about January 26, 2011, defendant SARRAH M. VAIL, caused check 9803, in the amount of \$493.04, drawn on Castle Rock Bank account XXXXX2601, belonging to victims B.B. and A.B., to be negotiated at Wal-Mart in Bloomington, Minnesota.

i. On or about January 26, 2011, defendant SARRAH M. VAIL, attempted to cause check 9805, in the amount of \$560.77, to be drawn on Castle Rock Bank account XXXXX2601, belonging to victims B.B. and A.B., to be negotiated at K-Mart in West St. Paul, Minnesota.

j. On or about January 26, 2011, defendant SARRAH M. VAIL, attempted to cause check 4547, in the amount of \$178.94, to be drawn on Highland Bank account XX2574, belonging to victim L.S., to be negotiated at K-Mart in West St. Paul, Minnesota.

k. On or about January 28, 2011, defendant BENJAMIN J. DOLAN, caused check 9804, in the amount of \$411.64, to be drawn on Castle Rock Bank account XXXXX2601, belonging to victims B.B. and

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A.B., to be negotiated at Home Depot in Northeast Minneapolis, Minnesota.

l. On or about January 30, 2011, defendant BENJAMIN J. DOLAN, caused check 3910, in the amount of \$309.56, to be drawn on Colorado Springs State Bank account XXXXX5010, belonging to victims C.B. and S.B., to be negotiated at Home Depot in Fridley, Minnesota.

m. On or about February 5, 2011, defendant JAMES N. HAHNE, a/k/a Michael Monson, caused check 4395, in the amount of \$638.18, to be drawn on Topline Federal Credit Union account XX3064, belonging to victim R.M., to be negotiated at Wal-Mart in Elk River, Minnesota.

n. On or about February 28, 2011, defendant RICKY W. MARIANO a/k/a Ricky William Scharrer, caused check 5539, in the amount of \$427.43, to be drawn on the Bank of Elk River account XX1344, belonging to victim T.F., to be negotiated at Sherwin Williams in Maplewood, Minnesota.

o. On or about May 10, 2011, defendant JAMES N. HAHNE, a/k/a Michael Monson, caused check 2402, in the amount of \$342.95, to be drawn on TCF Bank account XXXXXX0535, belonging to victim D.F., to be negotiated at Wal-Mart in New Richmond, Wisconsin.

p. On or about May 20, 2011, defendants SARRAH M. VAIL, JAMES EDWARD FREEMAN, VINCENT ROBERT VAIL, and JACOB CHARLES

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DUTTON, broke into an automobile belonging to victim R.W. and stole U.S. Bank credit card XXXXXXXXXXXX0833, belonging to victim R.W., and SARRAH M. VAIL used the credit card on May 21, 2011, in the amount of \$158.61, at Wal-Mart in Blaine, Minnesota.

q. On or about May 29, 2011, defendant JAMES N. HAHNE, a/k/a Michael Monson, caused check 4482, in the amount of \$580.01, to be drawn on Cherokee Bank account XX3234, belonging to victim B.B., to be negotiated at Wal-Mart in New Richmond, Wisconsin

r. On or about June 22, 2011, defendant JAMIE MARIE SYLVESTER, a/k/a Jamie Marie Smith, caused check 4290, in the amount of \$557.52, to be drawn on U.S. Bank account XXXXXXXXX2353, belonging to victim R.S., to be negotiated at Wal-Mart in New Richmond, Wisconsin.

s. As a result of the execution of this scheme, between July 2010 and July 2011, defendants RICKY W. MARIANO, a/k/a Ricky William Scharrer, SARRAH M. VAIL, JAMES N. HAHNE, a/k/a Michael Monson, CLIFTON G. EVANS, JR., BENJAMIN J. DOLAN, ANNEMARIE VAIL, JAMES EDWARD FREEMAN, VINCENT ROBERT VAIL, JAMIE MARIE SYLVESTER, a/k/a Jamie Marie Smith, and JACOB CHARLES DUTTON, and others known and unknown to the grand jury, attempted and conspired to obtain over \$7500 from the accounts of victims by using, without lawful authority, the victims' personal financial instruments and victims' personal identification information, to include names, dates of

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birth, driver's license numbers, bank account numbers, and bank routing numbers, to unlawfully have monies withdrawn from the accounts held by the victims at various financial institutions.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 4-10
(Bank Fraud)

32. The grand jury re-alleges all of the allegations contained in paragraphs 1 through 24 of the Introduction as if set forth fully herein.

33. From in or about July 2010, to in or about July 2011, in the State and District of Minnesota and elsewhere, the defendants

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
SARRAH M. VAIL,
JAMES N. HAHNE,
a/k/a Michael Monson,
CLIFTON G. EVANS, JR.,
BENJAMIN J. DOLAN, and
JAMIE MARIE SYLVESTER,
a/k/a Jamie Marie Smith,

aided and abetted by others known and unknown to the grand jury, did knowingly execute and attempt to execute a scheme and artifice to defraud financial institutions, and to obtain monies, funds, and assets owned by and under the custody and control of these financial institutions, by means of false and fraudulent pretenses, representations, and promises.

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34. The grand jury re-alleges all of the allegations contained in paragraphs 29 and 30 of Count 3 as describing the purpose and scheme and artifice to defraud and to obtain monies, funds, and assets owned by and under the custody and control of financial institutions by means of false and fraudulent pretenses, representations, and promises.

35. On or about the dates listed for each count below, the defendants,

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
SARRAH M. VAIL,
JAMES N. HAHNE,
a/k/a Michael Monson,
CLIFTON G. EVANS, JR.,
BENJAMIN J. DOLAN, and
JAMIE MARIE SYLVESTER,
a/k/a Jamie Marie Smith,

aided and abetted by others known and unknown to the grand jury, did knowingly execute and attempt to execute a scheme and artifice to defraud the below-listed financial institutions, and to obtain monies, funds, and assets owned by and under the custody and control of these financial institutions, by means of false and fraudulent pretenses, representations, and promises, including but not limited to the following:

Count	Date	Defendant	Financial Institution	Description
4	9/4/10	James N. Hahne	U.S. Bank	Unlawful withdrawal of

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				\$700.53 from U.S. Bank account number XXXXXXXX1173 of victims J.W. and V.W.
5	12/28/10	Benjamin J. Dolan	F & M Bank	Unlawful withdrawal of \$724.13 from F & M Bank account number XX1899 of victim R.H.
6	12/28/10	Clifton G. Evans, Jr.	Wings Federal Credit Union	Unlawful withdrawal of \$179.72 from Wings Federal Credit Union account number X2846 of victim R.L.
7	1/24/11	Sarrah M. Vail	Lake Elmo Bank	Unlawful withdrawal of \$390.93 from Lake Elmo Bank account number XXX8112 of victim C.T.
8	2/28/11	Ricky W. Mariano	Bank of Elk River	Unlawful withdrawal of \$427.43 from Bank of Elk River account number XX1344 of victim T.F.
9	5/21/11	Sarrah M. Vail	U.S. Bank	Unlawful withdrawal of \$158.61 from U.S. Bank credit card account number XXXXXXXX0833 of victim R.W.

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10	6/22/11	Jamie Marie Sylvester	U.S. Bank	Unlawful withdrawal of \$557.52 from U.S. Bank account number XXXXXXXXX2353 of victim R.S.
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All in violation of Title 18, United States Code, Sections
1344 and 2.

COUNTS 11-20

(Aggravated Identity Theft)

36. On or about the dates set forth below, in the State and
District of Minnesota and elsewhere, the defendants,

RICKY W. MARIANO,
a/k/a Ricky William Scharrer,
SARRAH M. VAIL,
JAMES N. HAHNE,
a/k/a Michael Monson,
CLIFTON G. EVANS, JR.,
BENJAMIN J. DOLAN,
JAMES EDWARD FREEMAN,
VINCENT ROBERT VAIL,
JAMIE MARIE SYLVESTER,
a/k/a Jamie Marie Smith, and
JACOB CHARLES DUTTON,

aided and abetted by others known and unknown to the grand jury,
did knowingly possess and use, without lawful authority, a means of
identification of another person, to wit: name, address, driver's
license number, bank routing number, credit card account number,
and bank account number belonging to victims, as alleged in each

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count below, during and in relation to the commission of a felony violation enumerated in 18 U.S.C. § 1028A(c), to wit, Bank Fraud:

Count	Date	Defendant	Description
11	9/4/10	James N. Hahne	Unlawful use of name, address, driver's license number, bank account number, and bank routing number of victims J.W. and V.W. on \$700.53 check during commission of Bank Fraud as alleged in Count 4.
12	12/28/10	Benjamin J. Dolan	Unlawful use of name, address, driver's license number, bank account number, and bank routing number of victim R.H. on \$724.13 check during commission of Bank Fraud as alleged in Count 5.
13	12/28/10	Clifton G. Evans, Jr.	Unlawful use of name, address, driver's license number, bank account number, and bank routing number of victim R.L. on \$179.72 check during commission of Bank Fraud as alleged in Count 6.
14	1/24/11	Sarrah M. Vail	Unlawful use of name, address, driver's license number, bank account number, and bank routing number of victim C.T. on \$390.93 check during commission of Bank Fraud as alleged in Count 7.
15	2/28/11	Ricky W. Mariano	Unlawful use of name, address, bank account number, and bank routing number of victim T.F. on

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			\$427.43 check during commission of Bank Fraud as alleged in Count 8.
16	5/20/11	James Edward Freeman	Unlawful possession and transfer of name and credit card account number of victim R.W. for \$158.61 credit card purchase during commission of Bank Fraud as alleged in Count 9.
17	5/20/11	Vincent Robert Vail	Unlawful possession and transfer of name and credit card account number of victim R.W. for \$158.61 credit card purchase during commission of Bank Fraud as alleged in Count 9.
18	5/20/11	Jacob Charles Dutton	Unlawful possession and transfer of name and credit card account number of victim R.W. for \$158.61 credit card purchase during commission of Bank Fraud as alleged in Count 9.
19	5/21/11	Sarrah M. Vail	Unlawful use of name and credit card account number of victim R.W. for \$158.61 credit card purchase during commission of Bank Fraud as alleged in Count 9.
20	6/22/11	Jamie Marie Sylvester	Unlawful use of name, address, driver's license number, bank account number, and bank routing number of victim R.S. on \$557.52 check during commission of Bank Fraud as alleged in Count 10.

All in violation of Title 18, United States Code, Sections 1028A and 2.

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FORFEITURE ALLEGATION

Counts 1 and 3 of this Indictment are hereby realleged and incorporated herein for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) as incorporated by Title 28, United States Code, Section 2461(c).

As the result of the offenses alleged in Counts 1 and 3, the defendants named in said Counts shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the violations alleged in Count 1 or Count 3.

Counts 4 through 10 of this indictment are hereby realleged and incorporated herein for the purposes of alleging forfeitures pursuant to Title 18, United States Code, Section 982(a)(2)(A).

As a result of the offenses alleged in Counts 4 through 10, the defendants named in said Counts shall forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(2)(A), any and all property constituting, or derived from, proceeds the person obtained directly or indirectly, as the result of such violation.

If any of the above-described forfeitable property is unavailable for forfeiture, the United States intends to seek the forfeiture of substitute property as provided for in Title 21,

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United States Code, Section 853(p), as incorporated by Title 28,
United States Code, Section 2461(c).

A TRUE BILL

UNITED STATES ATTORNEY

FOREPERSON